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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91218616
Party	Defendant Berry, Robert
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Submission	Answer
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Date	11/10/2014
Attachments	Oppositon answer.pdf(246778 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of trademark application:

Serial No.: 86160577, Int. Class _____
For the mark: BBH
Date Published: June 3, 2014

Opposition No. # 9121861

Brown Brothers Harriman & Co.,

OPPOSER,

v.

Berry, Robert.,

APPLICANT

APPLICANT’S ANSWER TO THE NOTICE OF OPPOSITION

Applicant Berry, Robert, (“Applicant”), answers the Notice of Opposition filed by Brown Brothers Harriman & Co. (collective “Opposers”) in the above-referenced matter as follows:

I. ANSWER:

1. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 1 of Opposers’ Notice of Opposition, and on that basis, denies the same.

2. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 2 of Opposers’ Notice of Opposition, and on that basis, denies the same. Applicant lacks knowledge or information as to the identity of the Peitioner stated in Opposers’ Notice of Opposition.

3. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 3 of Opposers' Notice of Opposition, and on that basis, denies the same.

4. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 4 of Opposers' Notice of Opposition, and on that basis, denies the same.

5. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 5 of Opposers' Notice of Opposition, and on that basis, denies the same.

6. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 6 of Opposers' Notice of Opposition, and on that basis, denies the same.

7. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 7 of Opposers' Notice of Opposition, and on that basis, denies the same.

8. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegation in Paragraph 8 of Opposers' Notice of Opposition, and on that basis, denies the same.

9. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegation in Paragraph 9 of Opposers' Notice of Opposition, and on that basis, denies the same.

10. Applicant denies the allegations set forth in Paragraph 10 of Opposers' Notice of Opposition.

11. Applicant denies the allegations set forth in Paragraph 11 of Opposers' Notice of Opposition.

12. Applicant denies the allegations set forth in Paragraph 12 of Opposers' Notice of Opposition.

13. Applicant denies the allegations set forth in Paragraph 13 of Opposers' Notice of Opposition.

II. AFFIRMATIVE DEFENSES:

In further answer to the Notice of Opposition, Applicant asserts the following affirmative defenses:

A. First Affirmative Defense: Failure to State a Claim

14. The Opposition fails because the Opposers have failed to state a claim upon which relief may be granted.

B. Second Affirmative Defense: No Likelihood of Confusion

15. Applicant's mark is not confusingly similar to Opposers' alleged marks. The defendant's mark stands for Black Beverly Hills which is trademarked for clothing. Opposers' alleged trademark registration No. 3660883 ("883 Registration") is for financial services. There is no confusion because the goods and services are completely different with no overlap.

III. PRAYER:

16. WHEREFORE, Applicant requests that the Notice of Opposition filed against its applicant be dismissed in its entirety and that the application for the mark BBH continue to registration.

Respectfully submitted,

Dated: November 10, 2014

/Robert Berry/

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing APPLICANT'S ANSWER TO THE NOTICE OF OPPOSITION has been served on Allen J Baden by mailing said copy on November 10, 2014 via First Class Mail, postage pre-paid, to:

EDGE LAW GROUP
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UNITED STATES

/Robert Berry/

Robert Berry

